

AMENDED IN SENATE MARCH 29, 2012

SENATE BILL

No. 1117

Introduced by Senator DeSaulnier

February 17, 2012

An act to add Section ~~14537~~ 14521.5 to the Government Code, and to add Section 185033.1 to the Public Utilities Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1117, as amended, DeSaulnier. ~~California Transportation Commission: passenger rail planning. Statewide passenger rail transportation plan.~~

Existing law creates the California Transportation Commission, with various powers and duties relating to the programming and allocation of certain funds available for transportation capital improvement projects and various other transportation policy matters. Existing law creates the Department of Transportation with various powers and duties relating to the state highway system and other transportation modes, including the authority to contract for conventional rail passenger service. Existing law requires the department to prepare a 10-year State Rail Plan on a biennial basis. Existing law creates the High-Speed Rail Authority to develop and implement a high-speed rail system in the state, with specified powers and duties, including preparation of a business plan on a biennial basis. Existing law, pursuant to the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century, provides for the issuance of \$9.95 billion in general obligation bonds for high-speed rail and related purposes.

This bill would require the California Transportation Commission to prepare a statewide passenger rail transportation plan relative to

conventional and high-speed intercity passenger rail, commuter rail, and urban rail transit containing various elements. The bill would require the commission to adopt the plan by September 2014, and update the plan every 4 years thereafter. The bill would require the plan to contain goals for integrated passenger rail services and facilities, and to adopt policies and guidelines to be used by the department, the authority, and regional transportation agencies in the development of their plans, and would prohibit those agencies from taking inconsistent actions. The bill would require regional transportation planning agencies to submit their plans for commuter rail and urban rail transit to the commission by December 31, 2013.

This bill would also impose certain requirements on the High-Speed Rail Authority with regard to the high-speed rail element of the plan and implementation of projects on an incremental basis by the authority, including preparation of an incremental high-speed rail development program, as specified, by December 31, 2013, which would be incorporated into the authority's business plan.

~~Existing law requires the California Transportation Commission to submit an annual report to the Legislature summarizing the prior year's transportation capital outlay appropriations and transportation issues facing the state.~~

~~This bill would require the commission to also prepare a statewide passenger rail transportation plan.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 14521.5 is added to the Government Code,
- 2 to read:
- 3 14521.5. (a) The commission shall prepare a statewide
- 4 passenger rail transportation plan, with the following elements:
- 5 (1) A statement of the goals for an integrated rail passenger
- 6 system consisting of high-speed intercity rail, conventional intercity
- 7 rail, commuter rail, and urban rail transit services and facilities.
- 8 (2) Identification of all of the following:
- 9 (A) Proposed investments in high-speed intercity rail and
- 10 conventional intercity rail services and facilities.
- 11 (B) Proposed investments in commuter rail and urban rail
- 12 transit services and facilities.

1 (C) Corridors in which new or enhanced improvements will be
2 made.

3 (D) A demonstration of the plan's consistency with the
4 requirements of Senate Bill 375 (Chapter 728 of the Statutes of
5 2008) and subsequent amendments.

6 (E) An assessment of transportation energy requirements for
7 high-speed intercity rail, conventional intercity rail, commuter
8 rail, and urban rail transit services.

9 (F) An assessment of the ability of passenger rail transportation
10 services to reduce regional and intercity highway congestion, and,
11 in the case of high-speed rail, an assessment of the ability of the
12 service to reduce intercity passenger airline travel and congestion.

13 (G) Identification of rail corridors and expected impediments
14 to their development, including the availability of rights-of-way
15 for tracks, stations, and maintenance facilities.

16 (b) In preparing the plan, the commission shall adopt policies
17 and guidelines for developing high-speed intercity rail,
18 conventional intercity rail, commuter rail, and urban rail transit
19 services and facilities, as follows:

20 (1) Performance goals related to passenger capacity, financial
21 capacity, and service performance, and frequency of passenger
22 rail services based on the estimated size of statewide, regional,
23 and local travel markets.

24 (2) Performance goals for connections between rail systems to
25 ensure convenience and to increase travel opportunities for
26 passengers connecting between various rail systems.

27 (3) Capital and operating revenue estimates for the development
28 of high-speed intercity rail, conventional intercity rail, commuter
29 rail, and urban rail transit services and facilities. The estimates
30 shall be for 5-, 10-, and 20-year time horizons.

31 (c) The policies and guidelines shall be developed in
32 consultation with the department, the High-Speed Rail Authority,
33 regional transportation planning agencies, and the agencies
34 administering or operating commuter rail and urban rail transit
35 systems.

36 (d) The policies and guidelines shall be used by regional
37 transportation planning agencies when developing the rail mass
38 transportation element of their regional transportation plans. The
39 regional agencies shall not take actions that are inconsistent with
40 the policies and guidelines adopted by the commission.

1 (e) The regional transportation planning agencies shall submit
2 their rail plans for commuter rail and urban rail transit to the
3 commission on or before December 31, 2013.

4 (f) The policies and guidelines shall be used by the department
5 when preparing the conventional State Rail Plan pursuant to
6 Section 14036 and the High-Speed Rail Authority, or its successor,
7 when preparing the High-Speed Rail Business Plan pursuant to
8 Section 185033 of the Public Utilities Code. Neither the department
9 nor the authority shall take actions that are inconsistent with the
10 policies and guidelines adopted by the commission.

11 (g) The commission shall incorporate statewide and regional
12 rail plans into the statewide passenger rail transportation plan
13 prepared pursuant to this section, provided the other plans are
14 consistent with the policies and guidelines adopted by the
15 commission.

16 (h) The peer review group established pursuant to Section
17 185034 of the Public Utilities Code may be convened by the
18 commission to provide an independent review and comment on
19 the proposed policies and guidelines, and on issues encountered
20 during the preparation of the plan.

21 (i) The commission shall submit a draft plan developed pursuant
22 to this section to the department, the High-Speed Rail Authority,
23 regional transportation planning agencies, and the Legislature
24 on or before April 30, 2014, for review and comment. The
25 commission shall hold at least two public workshops, with at least
26 one workshop in northern California and one in southern
27 California, to secure public comments on the draft plan.

28 (j) The final plan shall be adopted at the September 2014
29 meeting of the commission and updated every four years thereafter.
30 The commission may extend the adoption date by up to 60 days.

31 SEC. 2. Section 185033.1 is added to the Public Utilities Code,
32 to read:

33 185033.1. (a) Consistent with Proposition 1A (2008) and the
34 policies and guidelines of the California Transportation
35 Commission relative to the high-speed intercity rail element of the
36 statewide passenger rail transportation plan adopted pursuant to
37 Section 14521.5 of the Government Code, the authority shall plan
38 for implementation of an incremental high-speed rail development
39 program with the following features:

1 (1) Investments in passenger rail projects in the Phase I
2 high-speed rail corridor (San Francisco Transbay Terminal-Los
3 Angeles Union Station-Anaheim) that benefit conventional intercity
4 and commuter rail services but that are compatible with being
5 upgraded to high-speed rail service in the future.

6 (2) Investments in operable segments in the Phase I high-speed
7 rail corridor that generate sufficient passenger revenue to be
8 attractive to private investors, that will be electrified, and that will
9 be converted to high-speed rail service in the future.

10 (3) Proposed upgrades to conventional intercity and commuter
11 rail segments that connect with Phase I projects and would enhance
12 the performance of future high-speed rail service, such as Anaheim
13 to San Diego and San Jose to Oakland and Sacramento.

14 (4) Maximization of state, local, federal, and private funds to
15 support intercity and commuter passenger rail development,
16 including high-speed rail.

17 (5) Projects that will create employment opportunities and meet
18 rail development goals.

19 (b) In developing the incremental high-speed rail development
20 program, the authority shall consult with the department, regional
21 transportation planning agencies, agencies administering or
22 operating commuter rail, freight railroads operating in the
23 conventional intercity and commuter rail corridors and in the
24 Phase I corridors, and firms that have experience in commercial
25 high-speed intercity rail operations.

26 (c) The authority shall identify one or more possible operating
27 segments in the Phase I corridor as a candidate for a public-private
28 partnership. This shall be done in cooperation with a regional rail
29 agency and a private rail development consortium. The selected
30 segment shall have substantial existing intercity or commuter rail
31 ridership. There shall be a competitive procurement process
32 consistent with the existing procurement authority of the authority
33 to select the consortium. In pursuing a public-private partnership,
34 the authority shall minimize the capital and operating risks to the
35 state.

36 (d) The authority shall submit a draft of its incremental
37 development program to the California Transportation Commission
38 and the Legislature on or before December 31, 2013. The program
39 shall subsequently be incorporated into the authority's business
40 plan prepared pursuant to Section 185033.

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